

APR 18 2006

ATTORNEY DOCKET NO. JOHN 02962 PTUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Johnson, Tracy
For : TRAVELING PET BED
U.S. Serial No.: 10/800,446
Filed: March 15, 2004
Group Art Unit: 3644
Examiner: Abbott, Yvonne R.

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

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on	April 18, 2006
Name:	Jackie Olshack

Statement for Pre-Appeal Brief Request for Review

Dear Sir:

This constitutes Applicants' filing under the Pre-Appeal Brief Request for Review Pilot Program.

Claims 5 through 10 and 12, 14, and 15 are pending in the application.
Independent claims 5 and 12 are hereby amended to better define the invention.
Dependent claims 11 and 13 are canceled and incorporated into the independent claims.
All claims stand rejected. In view of the amendments and the following discussion,
Applicant respectfully traverses the rejections.

As amended, claims 5 and 12 specify three features not found in the prior art:

- 1) rigid panels that fold together at a hinge to form a fully enclosed enclosure (similar to a suitcase);

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- 2) an upstanding wall around three edges of one of the rigid panels to provide the previously exhaustively discussed "curl-up surface"; and
- 3) a fleece or fabric covering for the interior sides of the panels.

None of these features are found in a *single* prior art reference and there is simply no motivation whatsoever to combine the references of record to obtain Applicant's claimed invention.

The combination urged by Examiner is best discussed in Amendment C, filed October 5, 2005, wherein the shortcomings of the cited art are discussed in detail with reference to the figures and specifications of the cited art.

Applicant believes no fee is due for the filing of this statement. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,



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MESSAGE:

Dear Sir or Madam:

The attached STATEMENT FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW should have accompanied the Notice of Appeal (copy attached) which was filed by mail yesterday, April 17, 2006.

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